

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

ABN AMRO BANK N.V. (presently known as
THE ROYAL BANK OF SCOTLAND, N.V.),

Defendant.

Adv. Pro. No. 10-05354 (SMB)

**STIPULATION REGARDING MOTION OF ABN AMRO BANK N.V.
(presently known as THE ROYAL BANK OF SCOTLAND, N.V.) FOR THE
ENTRY OF AN ORDER PURSUANT TO FEDERAL RULE OF
BANKRUPTCY PROCEDURE 8002(d) FOR AN EXTENSION OF TIME
TO FILE A NOTICE OF APPEAL AND
MOTION FOR LEAVE TO APPEAL**

AMRO Bank N.V. (presently known as The Royal Bank of Scotland, N.V.)
("RBS/ABN"), Plaintiff Irving H. Picard (the "Trustee"), as trustee of the substantively
consolidated liquidation proceeding of Bernard L. Madoff Investment Securities LLC
("BLMIS"), under the Securities Investor Protection Act ("SIPA"), 15 U.S.C. §§ 78aaa *et seq.*,
and the estate of Bernard L. Madoff, individually, and ABN AMRO Bank N.V. (presently

known as The Royal Bank of Scotland, N.V.) (“Defendant,” and together with the Trustee, the “Parties”), by and through their respective undersigned counsel, state as follows:

WHEREAS, on December 8, 2010, the Trustee initiated the above-captioned adversary proceeding in the United States Bankruptcy Court for the Southern District of New York (the “Bankruptcy Court”) by filing a complaint against Defendant and Rye Select Broad Market XL Fund, LP. *See Picard v. ABN AMRO Bank N.V. (presently known as The Royal Bank of Scotland, N.V.)*, Adv. Pro. No. 10-05354 (SMB), ECF No. 1;

WHEREAS, on November 22, 2016, this Court entered the Memorandum Decision Regarding Claims to Recovery Foreign Subsequent Transfers (the “Memorandum Decision”), *Securities Investor Protection Corp. v. Bernard L. Madoff Investment Secs. LLC (In re Madoff)*, No. 08-01789 (SMB), ECF No. 14495, and the Memorandum Decision directed the parties to “confer for the purposes of submitting consensual orders consistent with the dispositions of the motions in each adversary proceeding.” *Id.* at 87;

WHEREAS, on January 20, 2017, the Parties agreed and stipulated to a consensual order consistent with the disposition in the Memorandum Decision of the motions in this adversary proceeding and the Court, on March 3, 2017, ordered that (i) this Court has subject matter jurisdiction over this adversary proceeding, (ii) RBS/ABN’s Extraterritoriality Motion to Dismiss was denied, and (iii) the Trustee’s Motion to Amend was granted. *See Picard v. ABN AMRO Bank N.V. (presently known as The Royal Bank of Scotland, N.V.)*, Adv. Pro. No. 10-05354 (SMB), ECF No. 117 (the “Order”);

WHEREAS counsel for the parties have conferred regarding the Motion of ABN AMRO Bank N.V. (presently known as The Royal Bank Of Scotland, N.V.) for the Entry of an Order Pursuant to Federal Rule of Bankruptcy Procedure 8002(d) for an Extension of Time to File a

Notice of Appeal and Motion for Leave to Appeal (the "Motion"), and counsel for the Trustee does not object to the relief sought by RBS/ABN in the Motion or oppose the entry of the proposed order attached thereto as Exhibit A.

IT IS HEREBY STIPULATED AND AGREED, by and between the Parties, by their undersigned counsel, that the RBS/ABN may move the Court for the Entry of an Order Pursuant to Federal Rule of Bankruptcy Procedure 8002(d) for an Extension of Time to File a Notice of Appeal and Motion for Leave to Appeal, and may represent to the Court that (i) the Trustee does not oppose the relief sought by RBS/ABN by the Motion and (ii) the Trustee consents to the entry of the Proposed Order attached to the Motion as Exhibit A.

Dated: March 14, 2017
New York, New York

Respectfully submitted,

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*Attorneys for Defendant ABN AMRO Bank N.V.
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Dated: March 14, 2017
New York, New York

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Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Estate of Bernard L. Madoff*